

Prohibition to burn waste.	3.	(1) No person by himself or through other shall knowingly or otherwise burn or cause to be burn any waste in a public places which is likely to cause nuisance or be dangerous or be harmful to public health.
		(2) No sanitary worker shall knowingly or otherwise place or permit to be placed for burn any waste except in accordance with such safe guards as may be prescribed in a place other than a public place strictly following the Solid Waste Management Rules.
Duty of Local Authorities.	4.	It shall be the duty of the local authority or any officer authorised by it to place or provide places in proper and convenient situation to public receptacle for collection of garbage and timely removal of it.
Constitution of a committee.	5.	The State Government shall constitute a committee to survey the air quality position and frame a action plan to curb waste burning and promote segregation of waste at source so as to lower the pollution level.
Punishment	6.	Whoever is guilty of any act or omission in contravention of the provisions of this Act, Rules or notification issued under this Act, shall be punished with imprisonment for a term not exceeding one month or with a fine not exceeding five thousand rupees or with both.
Trial of offences	7.	All offences under this Act shall be summary trialed by a Judicial Magistrate of First class.
Compounding of offence	8.	Any offences punishable under this Act may before institution of the prosecution be compounded by such officer as may be authorised by the State Government in this behalf and no proceeding shall be taken against the offender.
Provisions of the Act not in derogation	9.	The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.
Power to make Rules.	10.	The Government may, by notification in the <i>Official Gazette</i> , makes rules for the enforcement of this Act.

STATEMENT OF OBJECTS AND REASONS

At present, it is observed that people at large are used to burn waste in public places. This is likely to cause nuisance or be dangerous or be harmful to public health. The burning of solid waste is rampant which further lowers the air quality which is already poor in the cities.

This also leads to more respiratory ailments in the city. In order to prevent such incidents along with achieving the object of “Swachcha Bharat Abhiyan”, it is considered necessary to enact a law on the subject.

Hence this Bill.

Dated the 20th February, 2021
Gandhinagar

JAGDISH VISHWAKARMA
M.L.A

MEMORANDUM REGARDING DELEGATED LEGISLATION

This bill involves delegation of legislative powers in the following respect, namely:-

Clause 3:- This clause empower the State Government to prescribe procedure and safe guards for burning of waste in a place other than a public places.

The Delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 20th February, 2021
Gandhinagar

JAGDISH VISHWAKARMA
M.L.A

Dated the 18th March, 2021
Gandhinagar

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.
